

DISCLAIMER

This electronic version of an SCC order is for informational purposes only and is not an official document of the Commission. An official copy may be obtained from the [Clerk of the Commission, Document Control Center](#).

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, AUGUST 14, 2001

APPLICATION OF

TMC OF VIRGINIA, INC.

CASE NO. PUC010127

For certificates of public
convenience and necessity to
provide local exchange and
interexchange telecommunications
services

ORDER FOR NOTICE AND HEARING

On May 31, 2001, TMC of Virginia, Inc. ("TMC" or "Applicant"), filed an application for certificates of public convenience and necessity ("certificates") with the State Corporation Commission ("Commission") to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia. The Applicant also requested authority to price its interexchange telecommunications services on a competitive basis pursuant to § 56-481.1 of the Code of Virginia.

NOW UPON CONSIDERATION of the application, the Commission is of the opinion and finds that TMC's application should be docketed; that the Applicant should give notice to the public of its application; that the Commission Staff should conduct an investigation into the reasonableness of the application and

present its findings in a Staff Report; that a public hearing should be convened to receive evidence relevant to TMC's application for a certificate to provide local exchange telecommunications services; and, if substantive objections are received, evidence shall be received at the public hearing with regard to TMC's application for a certificate to provide interexchange telecommunications services.

Accordingly, IT IS ORDERED THAT:

(1) This case is docketed and assigned Case No. PUC010127.

(2) A public hearing for the purpose of receiving evidence relevant to TMC's application for a certificate to provide local exchange telecommunications services is scheduled for October 10, 2001 at 9:30 a.m. in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia. If substantive objections to TMC's application for a certificate to provide interexchange telecommunications services are received on or before September 10, 2001, the Commission will also hear evidence on this issue at the October 10, 2001, public hearing. If no such substantive objections are received on or before September 10, 2001, the Commission may grant TMC's requested certificate to provide interexchange telecommunications services without conducting a hearing.

(3) On or before August 21, 2001, the Applicant shall complete publication of the following notice to be published on one (1) occasion as classified advertising in newspapers having general circulation throughout the Applicant's proposed service territory:

NOTICE TO THE PUBLIC OF AN APPLICATION
BY TMC OF VIRGINIA, INC. FOR CERTIFICATES
OF PUBLIC CONVENIENCE AND NECESSITY
TO PROVIDE LOCAL EXCHANGE AND INTEREXCHANGE
TELECOMMUNICATIONS SERVICES THROUGHOUT THE
COMMONWEALTH OF VIRGINIA
CASE NO. PUC010127

On May 31, 2001, TMC of Virginia, Inc. ("TMC" or "Applicant"), filed an application with the State Corporation Commission ("Commission") for certificates of public convenience and necessity ("certificates") to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia. In its application, the Applicant also requested authority to price its interexchange telecommunications services on a competitive basis pursuant to § 56-481.1 of the Code of Virginia.

A public hearing will be convened on October 10, 2001, at 9:30 a.m. in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia, to hear evidence relevant to TMC's application for a certificate to provide local exchange telecommunications services. The Commission will hear evidence on TMC's application for a certificate to provide interexchange telecommunications services at the October 10, 2001, public hearing only if substantive objections to this portion of the application are filed on or before September 10, 2001. If no such substantive objections are received, the Commission may

grant the certificate to provide interexchange telecommunications services without a hearing.

Copies of the application are available for public inspection between the hours of 8:15 a.m. and 5:00 p.m., Monday through Friday, in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia, or can be ordered from counsel for TMC, Harry N. Malone, Esquire, Swidler Berlin Shereff Friedman, LLP, 3000 K Street, N.W., Suite 300, Washington, D.C. 20007-5116.

Any person desiring to comment in writing on TMC's application for certificates to provide local exchange telecommunications services or interexchange telecommunications services may do so by directing such comments on or before September 10, 2001, to the Clerk of the Commission at the address set out below. Any person desiring to make a statement at the public hearing concerning TMC's application for a certificate to provide local exchange telecommunications services need only appear in the Commission's second floor courtroom at 9:15 a.m. on the day of the hearing and identify himself or herself as a public witness to the Commission's Bailiff.

Any person who expects to submit evidence, cross-examine witnesses, or otherwise participate in the proceeding as a Respondent, pursuant to Rule 5 VAC 5-20-80 B of the Commission's Rules of Practice and Procedure, should promptly obtain a copy of the Order for Notice and Hearing from the Clerk of the Commission for complete details of the procedural schedule and instructions on participation.

Individuals with disabilities who require an accommodation to participate in

the hearing should contact the Commission at least seven (7) days before the scheduled hearing date at 1-800-552-7945 (voice) or 1-804-371-9206 (TDD).

All written communications to the Commission concerning TMC's application should be directed to Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P. O. Box 2118, Richmond, Virginia 23218, and must refer to Case No. PUC010127.

TMC OF VIRGINIA, INC.

(4) On or before August 21, 2001, Applicant shall provide a copy of the notice contained in ordering paragraph (3) to each local exchange telephone carrier certificated in Virginia and each interexchange carrier certificated in Virginia by personal delivery or first-class mail, postage prepaid, to the customary place of business or residence of the person served. Lists of all current local exchange and interexchange carriers in Virginia are attached to this Order as Appendices A and B, respectively.

(5) On or before September 21, 2001, the Applicant shall file with the Commission proof of notice and proof of service as ordered herein.

(6) On or before August 30, 2001, the Applicant shall prefile with the Commission an original and fifteen (15) copies of any additional direct testimony it intends to present at the

public hearing. Copies shall also be served on any person who files a Notice of Participation.

(7) On or before September 10, 2001, any person desiring to participate as a Respondent as defined in Rule 5 VAC 5-20-80 B of the Commission's Rules of Practice and Procedure ("Rules") shall file an original and fifteen (15) copies of the Notice of Participation as provided in Rule 5 VAC 5-20-150 and shall serve a copy of the same on counsel for TMC, Harry N. Malone, Esquire, Swidler Berlin Shereff Friedman, LLP, 3000 K Street, N.W., Suite 300, Washington, D.C. 20007-5116.

(8) On or before September 10, 2001, any person wishing to lodge an objection to TMC's application for a certificate to provide interexchange telecommunications services shall file an original and fifteen (15) copies of its objection in writing with Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P. O. Box 2118, Richmond, Virginia 23218. Written objections shall refer to Case No. PUC010127 and shall state with specificity why a hearing is necessary. If substantive objections are received, the Commission will hear evidence relevant to this portion of the application at the October 10, 2001, public hearing.

(9) Any person desiring to comment in writing on TMC's application for a certificate to provide interexchange telecommunications services may do so by directing such comments

on or before September 10, 2001, to the Clerk of the Commission at the address set forth above. Written comments must refer to Case No. PUC010127.

(10) Any person desiring to comment in writing on TMC's application for a certificate to provide local exchange telecommunications services may do so by directing such comments on or before September 10, 2001, to the Clerk of the Commission at the address set out above. Comments must refer to Case No. PUC010127. Any person desiring to make a statement at the public hearing concerning the application for a certificate for local exchange telecommunications services need only appear in the Commission's second floor courtroom at 9:15 a.m. on the day of the hearing and identify himself or herself to the Bailiff as a public witness.

(11) Any person who expects to submit evidence, cross-examine witnesses, or otherwise participate in the proceeding as a Respondent pursuant to Rule 5 VAC 5-20-80 B shall file on or before September 17, 2001, an original and fifteen (15) copies of its Notice of Participation, referring to Case No. PUC010127, and shall on the same day mail a copy thereof to Harry N. Malone, Esquire at the address identified above and to any other Respondent(s). The Respondent shall set forth (i) a precise statement of the interest of the Respondent in the proceeding; (ii) a full and clear statement of the facts which the

Respondent is prepared to prove by competent evidence; and (iii) a statement of the specific relief sought and the legal basis therefor. Any corporate entity that wishes to submit evidence, cross-examine witnesses, or otherwise participate as a Respondent must be represented by legal counsel in accordance with the requirements of Rule 5 VAC 5-20-30 of the Commission's Rules.

(12) On or before September 17, 2001, each Respondent shall file with the Clerk of the Commission an original and fifteen (15) copies of the prepared testimony and exhibits the Respondent intends to present at the hearing and shall on the same day mail a copy of the same to Harry N. Malone, Esquire, and other Respondent(s). Service upon TMC shall be made at the address set forth above.

(13) The Commission Staff shall analyze the reasonableness of TMC's application and present its findings in a Staff Report to be filed on or before September 27, 2001.

(14) On or before September 27, 2001, if necessary, the Commission Staff may file with the Clerk of the Commission an original and fifteen (15) copies of any prepared testimony and exhibits it intends to present at the public hearing. A copy of the Staff's direct testimony shall be mailed to counsel for the Applicant and to each Respondent.

(15) On or before October 3, 2001, the Applicant shall file with the Clerk of the Commission an original and fifteen (15) copies of any testimony it expects to introduce in rebuttal to any direct prefiled testimony of Staff and Respondent(s). A copy of the rebuttal testimony shall be mailed to Staff and each Respondent by overnight delivery.

(16) The Applicant shall respond to written interrogatories or data requests within seven (7) days after the receipt of the same. Respondent(s) shall provide to the Applicant, other Respondent(s), and Staff any workpapers or documents used in preparation of their prefiled testimony, promptly upon request. Except as so modified, discovery shall be in accordance with Part IV of the Rules.